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09/09/2005

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TO: General Fax Number

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Office

+1 (571) 273-8300

FROM: Bryan J. Lempia

RE:

PAGES (INCLUDING THIS PAGE): 54

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**FAX TRANSMISSION****DATE:** September 9, 2005**PTO IDENTIFIER:** Application Number 07/699,479  
Patent Number**Inventor:****MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** MARSHALL, GERSTEIN & BORUN LLP

Bryan J. Lempia

**PHONE:** (312) 474-6300**Attorney Dkt. #:** 06011/30226**PAGES (Including Cover Sheet):** 53**CONTENTS:** Communication Regarding Status Of Response To Official Action (1 page)  
Certificate of Transmission (1 page)

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**MARSHALL, GERSTEIN & BORUN LLP**

233 S. Wacker Drive, Suite 6300, Sears Tower, Chicago, Illinois 60606-6357

**Telephone:** (312) 474-6300 **Facsimile:** (312) 474-0448

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Dated: September 9, 2005

Signature:

(Bryan J. Lempiere)

Docket No.: 06011/30226  
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
David L. Fosnaugh

Application No.: 07/699,479

Filed: May 13, 1991

Art Unit: 3724

For: DIE-SHAPING APPARATUS AND PROCESS AND  
PRODUCT FORMED THEREBY

Examiner: Stephen Choi

**COMMUNICATION REGARDING STATUS OF RESPONSE TO OFFICIAL ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted at the request of the examiner, Stephen Choi (272-4504), in the above-identified application. The applicants submitted a Response to an official action dated April 7, 2004. The response was submitted on October 7, 2004 and has been entered into the USPTO system. However, the Response documents have not been scanned and the response has not been forwarded with the file to the examiner.

The applicants submit herewith a true copy of the Response and accompanying papers as filed on October 7, 2004. This true copy is being re-sent at the request of the examiner in order to move prosecution forward. The office is asked to contact the undersigned at the telephone number listed below with any questions.

Dated: September 9, 2005

Respectfully submitted,

By   
Bryan J. Lempiere

Registration No.: 39,746

MARSHALL, GERSTEIN & BORUN LLP  
233 S. Wacker Drive, Suite 6300  
Sears Tower  
Chicago, Illinois 60606-6357  
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Attorney for Applicant

COPY

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<h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>		Application Number	07/699,479
		Filing Date	May 13, 1991
		First Named Inventor	David L. Fosnaugh
		Art Unit	3724
		Examiner Name	Stephen Choi
Total Number of Pages in This Submission		Attorney Docket Number	06011/30226

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MARSHALL, GERSTEIN & BORUN LLP Bryan J. Lempia - 39,746
Signature	<i>Bryan J. Lempia</i>
Date	October 7, 2004

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Dated: October 7, 2004

Signature:

*Bryan J. Lempia*

(Bryan J. Lempia)

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FEE TRANSMITTAL for FY 2004		Complete If Known	
Effective 10/01/2003. Patent fees are subject to annual revision.		Application Number	07/699,479
		Filing Date	May 13, 1991
		First Named Inventor	David L. Fosnaugh
		Examiner Name	Stephen Choi
		Art Unit	3724
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	06011/30226
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) <div style="border: 1px solid black; padding: 2px; display: inline-block;">2132.00</div>			

  

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)																																																																																																																																																																														
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account: Deposit Account Number: <div style="border: 1px solid black; padding: 2px; display: inline-block;">13-2855</div> Deposit Account Name: <div style="border: 1px solid black; padding: 2px; display: inline-block;">MARSHALL, GERSTEIN &amp; BORUN LLP</div> The Director is authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	<b>3. ADDITIONAL FEES</b> <table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.8em;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td>880.00</td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,330</td><td>2501</td><td>665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>640</td><td>2503</td><td>320</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1808</td><td>180</td><td>1808</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (firms number of properties)</td><td></td></tr> <tr><td>1809</td><td>770</td><td>2809</td><td>385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>770</td><td>2810</td><td>385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table>	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	1051	130	2051	65	Surcharge - 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<p style="font-size: 0.8em;">** or number previously paid, if greater; For Reissues, see above</p> <p style="text-align: right;"><b>SUBTOTAL (3)</b> (\$) <div style="border: 1px solid black; padding: 2px; display: inline-block;">880.00</div></p>																																																																																																																																																																															

  

SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Bryan J. Lempia	Registration No. (Attorney/Agent)	39,746
Signature	<i>Bryan J. Lempia</i>	Telephone	(312) 474-6300
		Date	October 7, 2004

  

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Dated: October 7, 2004      Signature: *Bryan J. Lempia* (Bryan J. Lempia)

PTO/SB/97 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Application No. (if known): 07/699,479

Attorney Docket No.: 06011/30226

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on September 9, 2005  
Date



Signature

Bryan J. Lempia

Typed or printed name of person signing Certificate

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Registration Number, if applicable

(312) 423-4451

Telephone Number

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